

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Conf. No.: 5876
)	
Schiessl)	
)	
Application No.: 10/589,079)	Group Art Unit: 1793
)	
Filed: August 11, 2006)	Examiner: VELASQUEZ
)	
For: Method for producing a component)	
by reshaping a plate, and device for)	
carrying out said method)	

PREAPPEAL BRIEF

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants request review of the final rejection of June 23, 2010, in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the attached sheets.

Remarks

Claims 1 – 25 are cancelled. Claims 26 – 44 are pending.

The rejection under 35 U.S.C. §112, first paragraph is in error, because page 3 of the specification explains the invention can involve decoupling the sequences of a continuous process. Therefore, the specification discloses that the second manufacturing process as currently claimed can be continuous.

The rejections under 35 U.S.C. §103 are also in error. US 3,337,376 to Grange et al. (hereinafter, “Grange ‘376”) does not disclose storing a heat treated blank at room temperature for an interval of time. According to column 2, lines 29 – 33 of Grange ‘376, “[a]fter performing one of the [disclosed] methods to produce an austenite-free microstructure, and either cooling to room temperature or reheating immediately, the steel is then reheated rapidly to a temperature in the range of 1425 to 1600°F.” Grange ‘376 does not disclose storing at room temperature for an interval of time. To the contrary, Grange ‘376 makes clear that when room temperature is reached, the steel is reheated rapidly. Furthermore, at column 3, lines 65 – 68, Grange ‘376 states,

the sample was held in the oil barely long enough to reach the temperature of the bath before proceeding with the next step in order to minimize microcracks. It has been found that the formation of microcracks is time-dependent and immediate reheating after quenching in warm oil will minimize microcracking.

Therefore, Grange ‘376 strongly teaches away from storing the blank.

Moreover, Grange ‘376 does not relate to an aluminum coated steel blank. The methods described in Grange ‘376 are, therefore, irrelevant to the patentability of the presently claimed subject matter, which employs an aluminum coated steel blank. For this reason, it seems that US 3,891,474 to Grange (hereinafter, “Grange ‘474”) is slightly more relevant. However, at col. 2, lines 46 – 52, Grange ‘474 describes carburization of steel, quenching the steel to room temperature, storing the quenched steel at room temperature, and reheating the steel to a temperature below 950°F (510°C). Therefore, Grange ‘474 provides no reason to arrive at the requirements of claim 1, which include heating a cooled, heat treated blank a second time to an austenization temperature greater

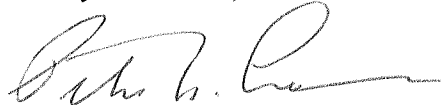
than or equal to 850°C. To the contrary, Grange '474 teaches away from the present invention.

The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

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Respectfully submitted,



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